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United States Patent and Trademark Office
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D1W Jun-08

ZHIHAO LIN
14 KEHOE COURT
PRINCETON JUNCTION NJ 08550

COPY MAILED

JUN 09 2008

In re Application of :
He et al. : LETTER DISMISSING
Application Number: 10/579597 : PETITION
Filing Date: 05/17/2006 :
Attorney Docket Number: OCT 001 :

This is a decision on the "REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181," filed on April 2, 2008.

The petition is **DISMISSED** for the reasons stated below.

The petition cannot be considered on the merits because it is unsigned. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application. As this application contains an executed declaration listing Fan He, Zhihao Lin, and Yue Yao as the joint inventors, the petition must be signed by all of the inventors or their registered patent attorney.

A properly signed reply should be submitted within **one (1) month** of the mailing of this decision.

This application became abandoned on February 21, 2008, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on November 20, 2007, which set a three (3) month statutory period for reply. On February 21, 2008, the issue and publication fees were filed. On March 18, 2008, a Notice of Abandonment was mailed, stating that the fees had been received after the expiration of the statutory period for their payment.

Petitioners assert that the fees were timely filed on February 14, 2008, and have presented a priority mail signature

confirmation sheet allegedly showing that the fee payment was mailed on February 14, 2008.

The U.S. Patent and Trademark Office (Office) file is the official record of the papers filed in this application. A review of the papers filed reveals that no reply to the Notice of Allowance and Fee(s) Due mailed on November 20, 2007, was timely received in the USPTO. Rather, the showing of record is that the fee payment was filed on February 21, 2008. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioner believes that the reply was (or should have been) timely received in the Office, is not more persuasive than the date the papers are shown to have been received in the official file.

In this regard, it is noted that there is no provision in the rules or statutes for according the date that a paper is deposited in the USPS as certified or priority mail as date the paper is filed in the Office.

Further, in this regard, petitioners could have utilized the Certificate of Mailing procedure described at 37 CFR 1.8. Had petitioners properly followed the aforementioned procedure, petitioner could have avoided the predicament which has now arisen. It is petitioner's burden to supply, under the rules of practice, sufficient evidence to establish that the reply asserted to have been deposited with the U.S. Postal Service on February 14, 2008, was actually entrusted to the U.S. Postal Service on that date. See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (D.C. E.D. Va. 1990). At best, the showing of record reveals petitioners' intent to timely reply to the Notice of Allowance and Fee(s) Due.

As petitioners have not provided persuasive evidence that that the issue and publication fee payment was timely filed, the petition must be dismissed.

It is suggested that petitioner file a petition to revive the application under 37 CFR 1.137(b). A copy of the petition form, and fee schedule is enclosed for petitioner's assistance.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450

Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64
Fee Schedule

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor:

Application No.:

Art Unit:

Filed:

Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature_____
Date_____
Typed or printed name_____
Registration Number, if applicable_____
Address_____
Telephone Number_____
AddressEnclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date_____
Signature_____
Typed or printed name of person signing certificate

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Effective September 30, 2007 *

Any fee amount paid on or after September 30, 2007, must be paid as shown in the revised fee schedule.
The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column.
For additional information, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

* The effective date for the fee amounts for PCT fee codes 1602 and 1604 is November 9, 2007.
The effective date for the fee amount for Trademark fee code 7212 is November 10, 2007.
The effective date for the fee amounts for PCT fee codes 1701, 1702, and 1710 is November 15, 2007.

| Fee Code | 37 CFR | Description | Fee | Small Entity Fee (if applicable) |
|---------------------------------------|------------|--|----------|----------------------------------|
| Patent Application Filing Fees | | | | |
| 1011/2011 | 1.16(a)(1) | Basic filing fee - Utility <i>filed on or after December 8, 2004</i> | 310.00 | 155.00 |
| 4011† | 1.16(a)(1) | Basic filing fee - Utility (electronic filing) <i>filed on or after December 8, 2004</i> | N/A | 75.00 |
| 1001/2001 | 1.16(a)(2) | Basic filing fee - Utility <i>filed before December 8, 2004</i> | 810.00 | 405.00 |
| 1201/2201 | 1.16(h) | Independent claims in excess of three | 210.00 | 105.00 |
| 1202/2202 | 1.16(i) | Claims in excess of 20 | 50.00 | 25.00 |
| 1203/2203 | 1.16(j) | Multiple dependent claim | 370.00 | 185.00 |
| 1051/2051 | 1.16(f) | Surcharge - Late filing fee or oath or declaration | 130.00 | 65.00 |
| 1081/2081 | 1.16(s) | Utility Application Size Fee - for each additional 50 sheets | 260.00 | 130.00 |
| 1012/2012 | 1.16(b)(1) | Basic filing fee - Design <i>filed on or after December 8, 2004</i> | 210.00 | 105.00 |
| 1002/2002 | 1.16(b)(2) | Basic filing fee - Design <i>filed before December 8, 2004</i> | 360.00 | 180.00 |
| 1017/2017 | 1.16(b)(1) | Basic filing fee - Design (CPA) <i>filed on or after December 8, 2004</i> | 210.00 | 105.00 |
| 1007/2007 | 1.16(b)(2) | Basic filing fee - Design (CPA) <i>filed before December 8, 2004</i> | 360.00 | 180.00 |
| 1082/2082 | 1.16(s) | Design Application Size Fee - for each additional 50 sheets | 260.00 | 130.00 |
| 1013/2013 | 1.16(c)(1) | Basic filing fee - Plant <i>filed on or after December 8, 2004</i> | 210.00 | 105.00 |
| 1003/2003 | 1.16(c)(2) | Basic filing fee - Plant <i>filed before December 8, 2004</i> | 570.00 | 285.00 |
| 1083/2083 | 1.16(s) | Plant Application Size Fee - for each additional 50 sheets | 260.00 | 130.00 |
| 1014/2014 | 1.16(e)(1) | Basic filing fee - Reissue <i>filed on or after December 8, 2004</i> | 310.00 | 155.00 |
| 1004/2004 | 1.16(e)(2) | Basic filing fee - Reissue <i>filed before December 8, 2004</i> | 810.00 | 405.00 |
| 1019/2019 | 1.16(e)(1) | Basic filing fee - Design Reissue (CPA) <i>filed on or after December 8, 2004</i> | 310.00 | 155.00 |
| 1009/2009 | 1.16(e)(2) | Basic filing fee - Design Reissue (CPA) <i>filed before December 8, 2004</i> | 810.00 | 405.00 |
| 1204/2204 | 1.16(h) | Reissue independent claims in excess of three | 210.00 | 105.00 |
| 1205/2205 | 1.16(i) | Reissue claims in excess of 20 | 50.00 | 25.00 |
| 1084/2084 | 1.16(s) | Reissue Application Size Fee - for each additional 50 sheets | 260.00 | 130.00 |
| 1005/2005 | 1.16(d) | Provisional application filing fee | 210.00 | 105.00 |
| 1085/2085 | 1.16(s) | Provisional Application Size Fee - for each additional 50 sheets | 260.00 | 130.00 |
| 1052/2052 | 1.16(g) | Surcharge - Late provisional filing fee or cover sheet | 50.00 | 25.00 |
| 1053 | 1.17(i) | Non-English specification | 130.00 | |
| Patent Search Fees | | | | |
| 1111/2111 | 1.16(k) | Utility Search Fee | 510.00 | 255.00 |
| 1112/2112 | 1.16(l) | Design Search Fee | 100.00 | 50.00 |
| 1113/2113 | 1.16(m) | Plant Search Fee | 310.00 | 155.00 |
| 1114/2114 | 1.16(n) | Reissue Search Fee | 510.00 | 255.00 |
| Patent Examination Fees | | | | |
| 1311/2311 | 1.16(o) | Utility Examination Fee | 210.00 | 105.00 |
| 1312/2312 | 1.16(p) | Design Examination Fee | 130.00 | 65.00 |
| 1313/2313 | 1.16(q) | Plant Examination Fee | 160.00 | 80.00 |
| 1314/2314 | 1.16(r) | Reissue Examination Fee | 620.00 | 310.00 |
| Patent Post-Allowance Fees | | | | |
| 1501/2501 | 1.18(a) | Utility issue fee | 1,440.00 | 720.00 |
| 1502/2502 | 1.18(b) | Design issue fee | 820.00 | 410.00 |
| 1503/2503 | 1.18(c) | Plant issue fee | 1,130.00 | 565.00 |
| 1511/2511 | 1.18(a) | Reissue issue fee | 1,440.00 | 720.00 |
| 1504 | 1.18(d) | Publication fee for early, voluntary, or normal publication | 300.00 | |
| 1505 | 1.18(d) | Publication fee for republication | 300.00 | |

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

† The 4000 series fee code may be used via EFS-Web at www.uspto.gov/efc/efs/.

| Fee Code | 37 CFR | Description | Fee | Small Entity Fee (if applicable) |
|---|-------------|---|-----------|----------------------------------|
| Patent Maintenance Fees | | | | |
| 1551/2551 | 1.20(e) | Due at 3.5 years | 930.00 | 465.00 |
| 1552/2552 | 1.20(f) | Due at 7.5 years | 2,360.00 | 1,180.00 |
| 1553/2553 | 1.20(g) | Due at 11.5 years | 3,910.00 | 1,955.00 |
| | 1.20(h) | Surcharge - Late payment within 6 months | 130.00 | 65.00 |
| 1557 | 1.20(i)(1) | Surcharge after expiration - Late payment is unavoidable | 700.00 | |
| 1558 | 1.20(i)(2) | Surcharge after expiration - Late payment is unintentional | 1,640.00 | |
| Miscellaneous Patent Fees | | | | |
| 1801/2801 | 1.17(e) | Request for Continued Examination (RCE) (see 37 CFR 1.114) | 810.00 | 405.00 |
| 1808 | 1.17(i) | Processing fee, except in provisional applications | 130.00 | |
| 1803 | 1.17(i) | Request for voluntary publication or republication | 130.00 | |
| 1802 | 1.17(k) | Request for expedited examination of a design application | 900.00 | |
| 1804 | 1.17(n) | Request for publication of SIR - Prior to examiner's action | 920.00* | |
| 1805 | 1.17(o) | Request for publication of SIR - After examiner's action | 1,840.00* | |
| 1806 | 1.17(p) | Submission of an Information Disclosure Statement | 180.00 | |
| 1807 | 1.17(q) | Processing fee for provisional applications | 50.00 | |
| 1809/2809 | 1.17(r) | Filing a submission after final rejection (see 37 CFR 1.129(a)) | 810.00 | 405.00 |
| 1810/2810 | 1.17(s) | For each additional invention to be examined (see 37 CFR 1.129(b)) | 810.00 | 405.00 |
| Post Issuance Fees | | | | |
| 1811 | 1.20(a) | Certificate of correction | 100.00 | |
| 1812 | 1.20(c)(1) | Request for ex parte reexamination | 2,520.00 | |
| 1813 | 1.20(c)(2) | Request for inter partes reexamination | 8,800.00 | |
| 1821/2821 | 1.20(c)(3) | Reexamination independent claims in excess of three | 210.00 | 105.00 |
| 1822/2822 | 1.20(c)(4) | Reexamination claims in excess of 20 | 50.00 | 25.00 |
| 1814/2814 | 1.20(d) | Statutory disclaimer | 130.00 | 65.00 |
| Patent Extensions of Time Fees | | | | |
| 1251/2251 | 1.17(a)(1) | Extension for response within first month | 120.00 | 60.00 |
| 1252/2252 | 1.17(a)(2) | Extension for response within second month | 460.00 | 230.00 |
| 1253/2253 | 1.17(a)(3) | Extension for response within third month | 1,050.00 | 525.00 |
| 1254/2254 | 1.17(a)(4) | Extension for response within fourth month | 1,640.00 | 820.00 |
| 1255/2255 | 1.17(a)(5) | Extension for response within fifth month | 2,230.00 | 1,115.00 |
| Patent Appeals/Interference Fees | | | | |
| 1401/2401 | 41.20(b)(1) | Notice of appeal | 510.00 | 255.00 |
| 1402/2402 | 41.20(b)(2) | Filing a brief in support of an appeal | 510.00 | 255.00 |
| 1403/2403 | 41.20(b)(3) | Request for oral hearing | 1,030.00 | 515.00 |
| Patent Petition Fees | | | | |
| 1462 | 1.17(f) | Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I) | 400.00 | |
| 1463 | 1.17(g) | Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II) | 200.00 | |
| 1464 | 1.17(h) | Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III) | 130.00 | |
| 1451 | 1.17(j) | Petition to institute a public use proceeding | 1,510.00 | |
| 1452/2452 | 1.17(l) | Petition to revive unavoidably abandoned application | 510.00 | 255.00 |
| 1453/2453 | 1.17(m) | Petition to revive unintentionally abandoned application | 1,540.00 | 770.00 |
| 1454 | 1.17(t) | Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority | 1,410.00 | |
| 1455 | 1.18(e) | Filing an application for patent term adjustment | 200.00 | |
| 1456 | 1.18(f) | Request for reinstatement of reduced term | 400.00 | |
| 1457 | 1.20(j)(1) | Extension of term patent | 1,120.00 | |
| 1458 | 1.20(j)(2) | Initial application for interim extension (see 37 CFR 1.790) | 420.00 | |
| 1459 | 1.20(j)(3) | Subsequent application for interim extension (see 37 CFR 1.790) | 220.00 | |

* Reduced by basic filing fee paid.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

| Fee Code | 37 CFR | Description | Fee | Small Entity Fee (if applicable) |
|---------------------------------------|----------------|--|----------|----------------------------------|
| PCT Fees - National Stage | | | | |
| 1631/2631 | 1.492(a) | Basic National Stage Fee | 310.00 | 155.00 |
| 1641/2641 | 1.492(b)(2) | National Stage Search Fee - U.S. was the ISA | 100.00 | 50.00 |
| 1642/2642 | 1.492(b)(3) | National Stage Search Fee - search report prepared and provided to USPTO | 410.00 | 205.00 |
| 1632/2632 | 1.492(b)(4) | National Stage Search Fee - all other situations | 510.00 | 255.00 |
| 1633/2633 | 1.492(c)(2) | National Stage Examination Fee - all other situations | 210.00 | 105.00 |
| 1614/2614 | 1.492(d) | Claims - extra independent (over three) | 210.00 | 105.00 |
| 1615/2615 | 1.492(e) | Claims - extra total (over 20) | 50.00 | 25.00 |
| 1616/2616 | 1.492(f) | Claims - multiple dependent | 370.00 | 185.00 |
| 1681/2681 | 1.492(j) | National Stage Application Size Fee - for each additional 50 sheets | 260.00 | 130.00 |
| 1617/2617 | 1.492(h) | Oath or declaration after 30 months from priority date | 130.00 | 65.00 |
| 1618 | 1.492(i) | English translation after 30 months from priority date | 130.00 | |
| PCT Fees - International Stage | | | | |
| 1601 | 1.445(a)(1) | Transmittal fee | 300.00 | |
| 1602 | 1.445(a)(2) | Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) | 1,800.00 | |
| 1604 | 1.445(a)(3) | Supplemental search fee when required, per additional invention | 1,800.00 | |
| 1605 | 1.482(a)(1) | Preliminary examination fee - U.S. was the ISA | 600.00 | |
| 1606 | 1.482(a)(1) | Preliminary examination fee - U.S. was not the ISA | 750.00 | |
| 1607 | 1.482(a)(2) | Supplemental examination fee per additional invention | 600.00 | |
| 1619 | | Late payment fee | VARIABLE | |
| 1621 | | Transmitting application to Intl. Bureau to act as receiving office | 300.00 | |
| PCT Fees to Foreign Offices * | | | | |
| 1701 | | International filing fee (first thirty pages) - PCT Easy | 1,080.00 | |
| 1702 | | International filing fee - (first thirty pages) | 1,163.00 | |
| 1703 | | Supplemental international filing fee (for each page over thirty) | 12.00 | |
| 1704 | | International search (EPO) | 2,197.00 | |
| 1705 | | Handling fee | 155.00 | |
| 1706 | | Handling fee – 75% reduction, if applicant(s) meets criteria specified at: www.wipo.int/pct/en/fees/fee_reduction.pdf | 38.75 | |
| 1708 | | International CD applications | 4,800.00 | |
| 1709 | | International search (KIPO) | 232.00 | |
| 1710 | | International filing fee (first 30 pages) – filed electronically w/ PCT Easy file | 997.00 | |
| Patent Enrollment Fees | | | | |
| 9001 | 1.21(a)(1)(i) | Application fee (non-refundable) | 40.00 | |
| 9003 | 1.21(a)(2) | Registration to practice or grant limited recognition under §11.9(b) or (c) ... | 100.00 | |
| 9004 | 1.21(a)(3) | Reinstatement to practice | 40.00 | |
| 9005 | 1.21(a)(4) | Certificate of good standing as an attorney or agent | 10.00 | |
| 9006 | 1.21(a)(4) | Certificate of good standing as an attorney or agent, suitable for framing ... | 20.00 | |
| 9010 | 1.21(a)(1) | For test administration by commercial entity | 200.00 | |
| | (ii)(A) | | | |
| 9011 | 1.21(a)(1) | For test administration by the USPTO..... | 450.00 | |
| | (ii)(B) | | | |
| 9012 | 1.21(a)(5)(i) | Review of decision by the Director of Enrollment and Discipline under §11.2(c) | 130.00 | |
| 9013 | 1.21(a)(5)(ii) | Review of decision of the Director of Enrollment and Discipline under §11.2(d) | 130.00 | |
| 9014 | 1.21(a)(10) | Application fee for person disciplined, convicted of a felony or certain misdemeanors under §11.7(h) | 1,600.00 | |

* PCT Fees to Foreign Offices are subject to periodic change due to fluctuations in exchange rates. Refer to the *Official Gazette of the United States Patent and Trademark Office* for current amounts.

PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED

| Fee Code | 37 CFR | Description | Fee |
|----------------------------|-------------------|---|---------|
| <u>Patent Service Fees</u> | | | |
| 8001 | 1.19(a)(1) | Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means | 3.00 |
| 8003 | 1.19(a)(2) | Printed copy of plant patent in color | 15.00 |
| 8004 | 1.19(a)(3) | Color copy of patent (other than plant patent) or SIR containing a color drawing | 25.00 |
| 8005 | 1.19(a)(1) | Patent Application Publication (PAP) | 3.00 |
| 8007 | 1.19(b)(1)(i)(A) | Copy of patent application as filed | 20.00 |
| 8008 | 1.19(b)(1)(i)(B) | Copy of patent-related file wrapper and paper contents of 400 or fewer pages | 200.00 |
| 8009 | 1.19(b)(1)(i)(C) | Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof | 40.00 |
| 8010 | 1.19(b)(1)(i)(D) | Certification of patent-related file wrapper and (paper) contents | 25.00 |
| 8011 | 1.19(b)(1)(ii)(B) | Copy of patent-related file wrapper and contents if provided electronically or on a physical electronic medium as specified in § 1.19(b)(1)(ii) | 55.00 |
| 8012 | 1.19(b)(1)(ii)(C) | Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B) | 15.00 |
| 8041 | 1.19(b)(2)(i)(A) | Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1); first physical electronic medium in a single order | 55.00 |
| 8042 | 1.19(b)(2)(i)(B) | Each continuing copy of patent-related file wrapper and contents as specified in § 1.19(b)(2)(i)(A) | 15.00 |
| 8043 | 1.19(b)(2)(ii) | Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1); provided electronically other than on a physical electronic medium | 55.00 |
| 8013 | 1.19(b)(3) | Copy of office records, except copies of applications as filed | 25.00 |
| 8014 | 1.19(b)(4) | For assignment records, abstract of title and certification, per patent | 25.00 |
| 8904 | 1.19(c) | Library service | 50.00 |
| 8015 | 1.19(d) | List of U.S. patents and SIRs in subclass | 3.00 |
| 8016 | 1.19(e) | Uncertified statement re status of maintenance fee payments | 10.00 |
| 8017 | 1.19(f) | Copy of non-U.S. document | 25.00 |
| 8050 | 1.19(g) | Petitions for documents in form other than that provided by this part, or in form other than that generally provided by Director, to be decided in accordance with merits | AT COST |
| 8019 | 1.21(d) | Local delivery box rental, annually | 50.00 |
| 8020 | 1.21(e) | International type search report | 40.00 |
| 8902 | 1.21(g) | Self-service copy charge, per page | 0.25 |
| 8021 | 1.21(h) | Recording each patent assignment, agreement or other paper, per property | 40.00 |
| 8022 | 1.21(i) | Publication in <i>Official Gazette</i> | 25.00 |
| 8023 | 1.21(j) | Labor charges for services, per hour or fraction thereof | 40.00 |
| 8024 | 1.21(k) | Unspecified other services, excluding labor | AT COST |
| 8025 | 1.21(l) | Retaining abandoned application | 130.00 |
| 8026 | 1.21(n) | Handling fee for incomplete or improper application | 130.00 |
| 8027 | 1.296 | Handling fee for withdrawal of SIR | 130.00 |

GENERAL FEES

Finance Service Fees

| | | | |
|------|------------------------------|--|-------|
| 9201 | 1.21(b)(1) or 2.6(b)(13)(i) | Establish deposit account | 10.00 |
| 9202 | 1.21(b)(2) or 2.6(b)(13)(ii) | Service charge for below minimum balance | 25.00 |
| 9202 | 1.21(b)(3) | Service charge for below minimum balance restricted subscription deposit account | 25.00 |
| 9101 | 1.21(m) or 2.6(b)(12) | Processing each payment refused or charged back | 50.00 |

Computer Service Fees

| | | |
|-----------|------------------------|---------|
| 8031/8531 | Computer records | AT COST |
|-----------|------------------------|---------|

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| Fee Code | 37 CFR | Description | Fee |
|---|----------------|---|---------|
| Trademark Processing Fees * | | | |
| 6001 | 2.6(a)(1)(i) | Application for registration, per international class (paper filing) | 375.00 |
| 7001 | 2.6(a)(1)(ii) | Application for registration, per international class (electronic filing) | 325.00 |
| 7007 | 2.6(a)(1)(iii) | Application for registration, per international class (electronic filing, TEAS Plus) | 275.00 |
| 6002/7002 | 2.6(a)(2) | Filing an Amendment to Allege Use under § 1(c), per class | 100.00 |
| 6003/7003 | 2.6(a)(3) | Filing a Statement of Use under § 1(d)(1), per class | 100.00 |
| 6004/7004 | 2.6(a)(4) | Filing a Request for a Six-month Extension of Time for Filing a Statement of Use under § 1(d)(1), per class | 150.00 |
| 6005/7005 | 2.6(a)(15) | Petitions to the Director | 100.00 |
| 6006 | 2.6(a)(19) | Dividing an application, per new application (file wrapper) created | 100.00 |
| 6008/7008 | 2.6(a)(1)(iv) | Additional fee for application that doesn't meet TEAS Plus filing requirements, per class .. | 50.00 |
| 6201/7201 | 2.6(a)(5) | Application for renewal, per class | 400.00 |
| 6203/7203 | 2.6(a)(6) | Additional fee for filing renewal application during grace period, per class | 100.00 |
| 6204 | 2.6(a)(21) | Correcting a deficiency in a renewal application | 100.00 |
| 6205/7205 | 2.6(a)(12) | Filing § 8 affidavit, per class | 100.00 |
| 6206/7206 | 2.6(a)(14) | Additional fee for filing § 8 affidavit during grace period, per class | 100.00 |
| 6207 | 2.6(a)(20) | Correcting a deficiency in a § 8 affidavit | 100.00 |
| 6208/7208 | 2.6(a)(13) | Filing § 15 affidavit, per class | 200.00 |
| 6210 | 2.6(a)(7) | Publication of mark under § 12(c), per class | 100.00 |
| 6211 | 2.6(a)(8) | Issuing new certificate of registration | 100.00 |
| 6212/7212 | 2.6(a)(9) | Certificate of correction, registrant's error | 100.00 |
| 6213 | 2.6(a)(10) | Filing disclaimer to registration | 100.00 |
| 6214 | 2.6(a)(11) | Filing amendment to registration | 100.00 |
| 6401/7401 | 2.6(a)(16) | Petition for cancellation, per class | 300.00 |
| 6402/7402 | 2.6(a)(17) | Notice of opposition, per class | 300.00 |
| 6403/7403 | 2.6(a)(18) | Ex parte appeal, per class | 100.00 |
| Trademark Madrid Protocol Fees * | | | |
| 6901/7901 | 7.6(a)(1) | International application based on single application or registration, per class | 100.00 |
| 6902/7902 | 7.6(a)(2) | Certifying an International application based on more than one basic application | 150.00 |
| 6903/7903 | 7.6(a)(3) | Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24 | 100.00 |
| 6904/7904 | 7.6(a)(4) | Filing a Notice of Replacement, per class | 100.00 |
| 6905/7905 | 7.6(a)(5) | Filing an affidavit under § 71 of the Act | 100.00 |
| 6906/7906 | 7.6(a)(6) | Surcharge for filing affidavit under § 71 of the Act during grace period, per class | 100.00 |
| 6907/7907 | 7.6(a)(7) | Transmitting a subsequent designation | 100.00 |
| Trademark Service Fees | | | |
| 8501 | 2.6(b)(1) | Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means | 3.00 |
| 8503 | 2.6(b)(4)(i) | Certified copy of registered mark, with title and/or status, regular service | 15.00 |
| 8504 | 2.6(b)(4)(ii) | Certified copy of registered mark, with title and/or status, expedited local service | 30.00 |
| 8507 | 2.6(b)(2) | Certified copy of trademark application as filed | 15.00 |
| 8508 | 2.6(b)(3) | Certified or uncertified copy of trademark-related file wrapper and contents | 50.00 |
| 8513 | 2.6(b)(5) | Certified or uncertified copy of trademark document, unless otherwise provided | 25.00 |
| 8514 | 2.6(b)(7) | For assignment records, abstracts of title and certification per registration | 25.00 |
| 8902 | 2.6(b)(9) | Self-service copy charge, per page | 0.25 |
| 8521 | 2.6(b)(6) | Recording trademark assignment, agreement or other paper, first mark per document | 40.00 |
| 8522 | 2.6(b)(6) | For second and subsequent marks in the same document | 25.00 |
| 8523 | 2.6(b)(10) | Labor charges for services, per hour or fraction thereof | 40.00 |
| 8524 | 2.6(b)(11) | Unspecified other services, excluding labor | AT COST |
| Fastener Quality Act Fees | | | |
| 6991 | 2.7(a) | Recordal application fee | 20.00 |
| 6992 | 2.7(b) | Renewal application fee | 20.00 |
| 6993 | 2.7(c) | Late fee for renewal application | 20.00 |

* The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at www.uspto.gov/teas/. In addition, the 6000 series fee codes under the Trademark Madrid Protocol Fees are being offered for use as a paper-based filing alternative.

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